IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 583 (SS) of 2006

Smt. Mamta,
W/o Sri Rajendra,
R/o Mohalla Mahespura,
Balmiki Basti, Kashipur,
District – Udham Singh Nagar. **.....Petitioner.**

Versus

1. State of Uttarakhand through the Secretary, Local Bodies, Government of Uttarakhand at Dehradun.
2. Director, Local Bodies, Government of Uttarakhand at Dehradun.
3. Nagar Palica Parishad, Kashipur, District – Udham Singh Nagar through its Executive Officer.

.....Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri B.D. Upadhyay, learned counsel for the petitioner, Sri Paresh Tripathi, learned Brief Holder, for State of Uttarakhand on behalf of the respondents no. 1 and 2 and Sri Pradeep Lohani, learned counsel for respondent no. 3.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. *issue a writ, order or direction in the nature of Certiorari to call for the record of the case and quash the order dated 28.01.2004 passed by the respondent no. 3 contained in Annexure no. 6 to the writ petition.*

2. *issue a writ, order or direction in the nature of Mandamus directing the respondents to appoint the petitioner as Sweeper in Nagar Palica, Kashipur, District - Udham Singh Nagar on vacant post on the basis of select list prepared on 15.04.99.*

3. *any other order or direction, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.*

4. *award the cost of the petition to the petitioner.*

The stand of the petitioner is that in the year 1999, petitioner was selected for the post of Sweeper and her name was placed in the waiting list, however, respondents after providing appointment to the selected candidates, have not provided appointment to those persons, whose names find placed in waiting list, though the posts were vacant.

Sri Pradeep Lohani, learned counsel for respondent no. 3 has submitted neither any person has been appointed from the waiting list nor any other person has been provided appointment thereafter.

Learned counsel for the petitioner has submitted that 23 posts of Sweepers are still vacant in Nagar Palika Parishad, Kashipur.

This fact has been disputed by the learned counsel for rsepondent no. 3. He has stated that against aforesaid vacancies appointments had already been made in pursuance to the High Court's order as well as in accordance to seniority

list of those persons, who are already working in the Nagar Palika Parishad.

Sri Pradeep Lohani, learned counsel for respondent no. 3 has given undertaking that as and when the post of Sweeper is vacant in near future, petitioner's candidature shall be considered by the respondent no. 3 in accordance with law.

No further order is required to pass. Writ petition as well as all the pending applications are disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

June 8, 2007
SKSHARMA